

04/10/01

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

10/60/40

Patent No. A-63487-3/RFT/JJD

Anticipated Classification of this Application:

Class: Subclass:  
Application

Examiner: N. Degen

Art Unit: 1636

**Box PATENT APPLICATION**Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

This is a request for filing an

- Original  
 Continuation  
 Divisional  
 Continuation-in-part

application under 37 C.F.R. 1.53(b), in the name of

Laura C. Simmons and Daniel G. Yansura  
(Names of ALL Applicants)for METHODS AND COMPOSITIONS FOR SECRETION OF HETEROLOGOUS POLYPEPTIDES  
(Title of Invention)This  continuation  divisional  continuation-in-part  
claims priority to pending application Serial No. 08/397,303, filed on March 1, 1995.

1. (a)  Enclosed is a new application.  
 (b)  Enclosed is a continuation-in-part application.  
 (c)  Enclosed is a copy of the prior application.
2. (a)  Enclosed is a new Declaration.  
 (b)  Enclosed is a copy of the prior Combined Declaration and Power of Attorney dated 4/5/95, and the Associate Power of Attorney dated 10/20/00 as filed with the prior application.
3. (a)  Enclosed is a Small Entity Affidavit.  
 (b)  A Small Entity Affidavit is of record in the prior application.
4.  The filing fee is calculated below:

Claims as filed in the prior application, less any claims canceled by amendment below:

	(Col. 1) NO. FILED	(Col. 2) NO. EXTRA	SMALL ENTITY RATE	OTHER THAN SMALL ENTITY RATE
<b>BASIC FEE</b>			\$355	\$710
TOTAL CLAIMS	- 20 =	*	× 9 =	\$ × 18 = \$
INDEP CLAIMS	- 3 =	*	× 39 =	\$ × 78 = \$
MULTIPLE DEPENDENT CLAIM PRESENTED	yes	no	+130 =	\$ +260 = \$
If the difference in Col 1 is less than zero, enter "0" in Col. 2			TOTAL	\$ TOTAL

6.  Our check in the amount of \$ 710.00 is enclosed.  
       The filing fee is NOT being submitted with this transmittal letter.
7.        Cancel in this application original claims \_\_\_\_\_ of the prior application before calculating the filing fee. (At least one independent claim must be retained for filing purposes.)
8.  Amend the specification by inserting before the first line the sentence:  
--This is a  continuation  divisional  continuation-in-part  
of application Serial No. 08/397,303 filed March 1, 1995.
9. (a)        Informal drawings are enclosed.  
(b)  Formal drawings are enclosed.
10. (a)        Priority of application Serial No. \_\_\_\_\_ filed on \_\_\_\_\_ in \_\_\_\_\_ is claimed under 35 U.S.C. 119.  
(b)        The certified copy has been filed in prior application Serial No. \_\_\_\_\_ filed on \_\_\_\_\_.
11.  The prior application is assigned of record to GENENTECH, INC..
12.  The power of attorney in the prior application is to:
- Name: Richard F. Trecartin, Esq.  
Address Flehr Hohbach Test Albritton & Herbert LLP  
Four Embarcadero Center - Suite 3400  
San Francisco, California 94111-4187
- (a)        The power appears in the original papers in the prior application.  
(b)  Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.  
(c)  A new power has been executed and is enclosed.  
(d)  Address all future communications to:  
  
FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP  
Four Embarcadero Center - Suite 3400  
San Francisco, California 94111-4187  
Tel.: (415) 781-1989  
Fax: (415) 398-3249
13.        A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)
14.  I hereby verify that the attached papers are a true duplicate of prior application Serial No. 08/397,303 as originally filed on March 1, 1995.

Date: April 9, 2001

Signature: 

James J. Diehl, Reg. No. 47,527  
For Richard F. Trecartin, Reg. No. 31,801

Address of Signer:

FLEHR HOHBACH TEST  
ALBRITTON & HERBERT LLP  
4 Embarcadero Center - Suite 3400  
San Francisco, California 94111-4187  
Tel.: (415) 781-1989  
Fax: (415) 398-3249

Attorney or agent of record

Filed under Section 1.34(a)